

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES	:	
v.	:	CRIMINAL NO. 09-496-05
GEORGE BORGESI	:	

DEFENDANT'S PROPOSED JURY INSTRUCTION

Defendant George Borgesi hereby requests the Court to charge the jury as set forth in the attached proposed instruction.

Respectfully submitted,

Date: 1/2/14

/s/ Christopher D. Warren
Christopher D. Warren
1500 Walnut Street
Suite 1900
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SEPARATE PATTERN

In order to convict defendant George Borgesi of the conspiracy charged in Count One you must find beyond a reasonable doubt that he conspired to conduct or participate, directly or indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity that is separate from any such pattern that was a component of any prior conviction. What that means is that the government must prove beyond a reasonable doubt that George Borgesi entered into the conspiracy charged in this case sometime in 1999 and conspired at that time or thereafter to carry-out the affairs of the enterprise through a separate or new pattern of racketeering activity.

United States v. Ciancaglini, 858 F.2d 923, 928 (3d Cir. 1988).

CERTIFICATE OF SERVICE

I, Christopher D. Warren, hereby certify that on this 2nd day of January, 2014, I caused a true and correct copy of the foregoing Defendant's Proposed Jury Instruction to be served upon the following persons by electronic transmission:

Frank Labor, AUSA
John Han, AUSA
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106

/s/ Christopher D. Warren
Christopher D. Warren